

WINDSTREAM SERVICES, LLC

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May 23, 2019

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141

Dear Ms. Dortch:

Windstream Services, LLC (“Windstream”) would like to address claims in the record by Verizon regarding Windstream’s transition agreement with USTelecom.¹ In particular, that our agreement is evidence that getting rid of UNEs would “not meaningfully impact competition”² and “demonstrates that [the agreed transition] would allow competition to continue to flourish.”³

Windstream disagrees with this characterization. While Verizon correctly states that we have “withdrawn [our] objection to the forbearance petition, subject to a reasonable transition period,”⁴ our agreement is not premised on any assessment of the state of competition in markets where Windstream purchases UNEs. Furthermore, Windstream has never suggested that our agreement is tantamount to concurrence that competition is robust, or even present, in those markets.

Rather, our agreement reflects Windstream’s desire to protect the interests of our customers. Having experienced significant BDS price increases following the Commission’s deregulation of those services,⁵ we sought to avoid near-term price consequences flowing from

¹ See Letter from Jonathan Banks, USTelecom, et al., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (June 21, 2018).

² Comments of Verizon at 10, WC Docket No. 18-141 (filed May 9, 2019).

³ *Id.* at 13.

⁴ *Id.* at 1.

⁵ Windstream has experienced, as have several commenters in this and related proceedings, swift and dramatic price increases following BDS reform. See, e.g., Comments of INCOMPAS at 7, WC Docket Nos. 18-141, 17-144, 16-143, 05-25 (filed May 9, 2019) (citing “clear evidence in the record of BDS price increases less than one year after the *BDS Order* became effective”).

potential UNE forbearance while at the same time creating a window to migrate many of our customers to the value-added, software-based networking solutions that they desire.

Because our ability to move these customers depends on the willingness of UNE providers to work with us to “groom” traffic away from UNEs and onto other access solutions, Windstream has taken care in meetings with Commissioners and staff on this issue to characterize the agreement as representing a sufficient, but minimum, amount of time necessary for that transition to take place.⁶

So far, Windstream has faced some resistance to reducing its reliance on the embedded base of UNEs. While, in many cases, other service providers have worked with us to effectuate these changes, some providers have been slow to process our requests. If Windstream is unable to transition these circuits before (and if) forbearance takes effect, we could be forced to accept higher prices just to maintain legacy services.

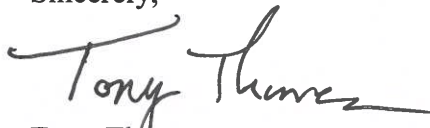
For that reason, Windstream respectfully requests that the Commission, should it grant USTelecom’s petition, specify that UNE providers must work expeditiously to assist wholesale customers with the transition away from UNEs, and declare that a failure to process grooming requests in a timely manner, or the introduction of undue delays in the grooming process, constitutes an unjust or unreasonable practice in violation of 47 U.S.C. § 201(b).

To be clear, this is not a rejection of our agreement with USTelecom. We merely seek to clarify our position in this proceeding. In Windstream’s case, as we increasingly rely on next-generation networking solutions to serve our customers, a shift away from UNEs is fully consistent with the Commission’s broader objective of transitioning to IP-based services.

To facilitate that shift, Windstream urges the Commission to implement a reasonable transition period (at minimum, the period outlined in our agreement with USTelecom) and to adopt sufficient guardrails that protect the ability of wholesale customers to groom UNE traffic in a timely manner.

If you have any questions, please contact our VP of Federal Government Affairs, Thomas Whitehead, at thomas.whitehead@windstream.com.

Sincerely,



Tony Thomas

⁶ See Letters from Thomas Whitehead, Vice President, Federal Government Affairs, Windstream Services, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (June 29, 2018); Letter from Thomas Whitehead, Vice President, Federal Government Affairs, Windstream Services, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (July 12, 2018).